REMARKS

Claims 9-34 are pending in the present application. Of these, claims 16-34 have been withdrawn from consideration. In this amendment, Applicants traverse all rejections. Applicants add new claim 35.

In the Office Action mailed August 24, 2004, the Examiner rejected claims 9-14 under 35 U.S.C. 102(e) as being unpatentable over Jarvinen et al. (U.S. Patent No. 6,170,073 B1), hereinafter referred to as "Jarvinen." Furthermore, the Examiner rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over Jarvinen in view in view of Tanaka (U.S. Patent No. 5,740,187 A), hereinafter referred to as "Tanaka."

New Claim

Applicants add new claim 35 which is supported by Applicant's specification as originally filed. For example, please see pages 5 through 7.

Claim Rejections – 35 USC § 102

Claims 9-14 stand rejected as over Jarvinen.

Applicants' claim 9, and thereby all respective dependent claims, have the features "the outer quality metric being used for protection of the plurality of information bits and the inner quality metric being used for protection of the at least one group of information bits of the particular class" and "wherein the outer quality metric and the inner quality metric are determined independently." As explained in Applicants' specification as originally filed the outer quality metric and the inner quality metric operate independently, so that if at the receiver the outer quality metric shows an erasure on the entire frame, the inner quality metric can be used to check the integrity of a group of information bits of a particular class. Please see page 6 line 33 through page 7, line 4.

Jarvinen, on the other hand, states in column 13, line 62 to column 14, line 2 that the "the 50 Class 1 A bits are encoded by 8 bit encoder 908 and the 50 encoded Class 1A bits and the 15 most important Class 1B bits are encoded by 3 bit encoder 206." That is, the encoded Class 1A bits, including the quality metric bits, are encoded again. This is also shown in Fig 10, where the

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entire bit stream from the first encoder, including the quality metric bits, is fed into the second encoder. Therefore, Jarvinen does not teach the feature "wherein the outer quality metric and the inner quality metric are determined **independently**" because the second quality metric is a function of the first quality metric. Therefore, all of Applicants' claims are patentable over Jarvinen.

Claim Rejections – 35 USC § 103

Applicants' claim 15 is also allowable because Jarvinen combined with Tanaka does not teach or suggest all of the features in this claim. As discussed above, Jarvinen does not teach that the outer and inner quality metrics operate independently as is stated in this rejection.

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